

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIE LYNN FRY,

Plaintiff,

V.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No.: 2:23-cv-00891-RFB-MDC

ORDER FOR EAJA FEES

Pending before the Court is the parties' Stipulation for Attorney's Fees Under the Equal Access to Justice Act (EAJA), filed June 4, 2024. The parties agree that Plaintiff should be awarded attorney fees in the amount of \$6,750.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).

The parties further agree that the government will consider whether the fees are subject to any offset allowed under the Department of the Treasury's Offset Program. *Id.* at 2. If Plaintiff does not owe a federal debt, the payment of fees shall be made directly to Plaintiff's counsel.

The parties agree that this Order shall bar any future claims by Plaintiff and Plaintiff's counsel to fees under EAJA in connection with this action, but that Plaintiff's counsel may seek attorney fees under the Social Security Act's fee provisions, 42 U.S.C.

1 § 406(b), subject to the savings clause provisions of EAJA.

2 **IT IS ORDERED:**

3 1. The stipulation is GRANTED.
4 2. Plaintiff is awarded \$6,750.00 in attorney's fees pursuant to the Equal Access to
5 Justice Act (EAJA), 28 U.S.C. § 2412(d).

6 3. If the Court approves the stipulated amount(s) and the claimant has no federal
7 debt, payment shall be delivered electronically or by mail to Olinsky Law Group.

8 4. If, after receiving the Court's EAJA fee Order, the Commissioner (1) determines
9 upon effectuation of the Court's EAJA fee Order that Plaintiff does not owe a debt that is
10 subject to offset under the Treasury Offset Program, and (2) agrees to waive the
11 requirements of the Anti-Assignment Act, the EAJA fees will be made payable to
12 Plaintiff's attorney.

13 However, if there is a debt owed under the Treasury Offset Program, the
14 Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and
15 the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but
16 delivered to Plaintiff's attorney. Any payment of costs may be made either by electronic
17 transfer fund (EFT) or by check.

18 This award is without prejudice to the ability of Plaintiff's attorney to seek Social
19 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
20 provisions of the EAJA.

22 DATED: August 29, 2024

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE